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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Case No. MDL 3:07-md-1827 SI

CLASS ACTION

This Document Relates to:

ALL DIRECT PURCHASER CLASS
ACTIONS

**DECLARATION OF ROBIN M. NIEMIEC
IN SUPPORT OF DIRECT PURCHASER
CLASS PLAINTIFFS' STATUS REPORT
REGARDING INITIAL DISTRIBUTION
OF SETTLEMENT FUNDS**

1 Robin M. Niemiec, declares and states that:

2 1. I am a Client Services Director for Rust Consulting, Inc. ("Rust"). I am over
3 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth
4 herein, and if called as a witness, could and would testify competently hereto.

5 2. I submit this Declaration in order to provide the Court and the parties to the above-
6 captioned litigation (the "Action") with information regarding the distribution of the Net
7 Settlement Fund (the "Settlement Fund") to date.

8 3. Pursuant to the Order Granting Preliminary Approval of Direct Purchaser Class
9 Settlement with Defendants Epson Imaging Devices Corporation and Epson Electronics
10 America, Inc. dated October 6, 2010 (Dkt. No. 2077), Rust was appointed the Claims
11 Administrator to oversee, among other things, the process of providing notice about the
12 Settlement.

13 **Summary of Initial Distribution**

14 4. Pursuant to this Court's Order Approving First Distribution of Settlement Funds to
15 the Direct Purchaser Class Members ("Initial Distribution Order"), on July 23, 2013, Rust
16 distributed \$258,637,975.14 to 2,840 Settlement Class Members and in order to minimize claims
17 administration expenses, funds were held back only from claimants whose awards exceeded
18 \$10,000.

19 5. Rust has re-issued checks to Settlement Class Members who contacted Rust
20 requesting that their checks be re-issued due to a change in payee name, they did not receive their
21 check and/or the check was lost or destroyed.

22 6. Since the initial distribution, Rust has received and responded to numerous
23 inquiries from Settlement Class Members concerning the settlement and distribution of funds.

24 7. As of November 22, 2013, \$94,851.64 remains from 154 uncashed, undeliverable
25 or returned checks ("Uncashed Funds").

26 8. Pursuant to this Court's Order Regarding Payment of Late-Filed and Disputed
27 Claims ("Late/Disputed Claims Order"), this Court authorized payment to nineteen (19) claims
28 ("Late/Disputed Claims").

11. On August 24, 2012 and February 21, 2013, OfficeMax was sent letters advising that its claim would be adjusted to purchases reflected in Defendant data unless it provided proof of its claim. OfficeMax did not respond to the requests.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Rolin M. Memeu

**DECLARATION OF ROBIN M. NIEMIEC IN SUPPORT OF DIRECT PURCHASER CLASS PLAINTIFFS'
STATUS REPORT REGARDING INITIAL DISTRIBUTION OF SETTLEMENT FUNDS**